



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 10 अक्टूबर, 2006/18 आश्विन, 1928

हिमाचल प्रदेश सरकार

STATE ELECTION COMMISSION

NOTIFICATION

Shimla-2, the 22nd, August, 2006

MODEL CODE OF CONDUCT

No. SEC-16-29/2000-1131.—Whereas it is considered appropriate, desirable and necessary in the interest of free, fair, smooth, orderly and peaceful conduct of elections to the Municipal Corporation of Shimla, to formulate and issue a Model Code of Conduct for guidance and compliance by all concerned ;

Now, therefore, in exercise of the powers vesting in it under Article 243 K and 243 ZA of the Constitution of India, Section 9 of the Himachal Pradesh Municipal Corporation Act, 1994 and all other powers enabling it in this behalf, the State Election Commission of Himachal Pradesh hereby issues the following Model Code of conduct for the guidance of Political Parties and Candidates for Municipal

Corporation elections in super session of all earlier notifications issued by the Commission in this behalf:—

1. GENERAL CONDUCT:

1.1 No Party or candidate shall indulge in any activity which may aggravate existing differences, create mutual hatred or cause tension between different groups of people on the basis of religion, caste, community, language or sex.

1.2 There shall be no appeal on the basis of religion, caste, community or language for securing votes for a candidate or for not voting for a particular candidate.

1.3 Places of worship such as temples, mosques, churches etc. shall not be used as a forum for election propaganda.

1.4 No criticism of any aspect of the private life of a candidate which is not connected with his public life or activities shall be made, nor any allegation shall be levelled which is based on unverified facts or incidents. Criticism of other parties or their workers based on unverified allegations or on distortion shall be avoided.

1.5 Criticism of a Party, when made, shall be confined to its policies and programmes, past record and work and shall not be based on unverified allegations.

1.6 Organising demonstrations or picketing or repeatedly shouting slogans before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.

1.7 All parties and candidates shall avoid scrupulously all activities which are corrupt practices or electoral offences under the relevant provisions of the Himachal Pradesh Municipal Corporation Act, 1994. These include, *inter alia* (a) bribery, (b) undue influence, (c) appeal on the basis of religion, caste, community or language, (d) promoting enmity or hatred between or among different classes of citizens on grounds of religion, caste, community or language, (e) arranging free conveyance for carrying voters to and from a polling station, (f) obtaining assistance of the employees of the Central or State Govt. or of a local authority.

2. MEETINGS AND PROCESSIONS

2.1 The party or candidate shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.

2.2 No candidate or Party shall hold public meetings or rallies or take out processions without prior permission of the competent authorities. They should ascertain in advance whether there are any prohibitory orders or traffic restrictions.

2.3 Election meetings or processions of a rival candidate or Party shall not be disturbed by a candidate or Party or his/its workers or supporters.

2.4 No Party or candidate shall use loudspeakers without obtaining necessary permission from the competent authority.

2.5 While granting permission for organising an election meeting at a public place or taking out procession, no distinction should be made between different candidates or parties. In case more than one candidate or Party requests for holding meetings or taking out procession at the same place on the same date and at the same time, the permission should be granted to such candidate or Party who had applied first. Other candidates or parties may be granted permission to hold meetings or taking out processions in the order in which they have applied. It should be ensured that processions of different candidates or parties do not clash.

2.6 No Party or candidate shall permit its or his members, supporters or followers to use any private or public property for erecting flag-staffs, pasting notices, posters or slogans, etc. or suspending banners without permission of the owner or manager or the person in possession of the property concerned.

2.7 No candidate or his workers shall remove or deface the flags flown or posters pasted by another candidate or Party.

2.8 No candidate or Party shall carry or allow his or its supporters or workers to carry the effigy of another candidate or Party leader or other prominent person in a procession or burn such effigy in a public place.

3. POLLING DAY:

3.1 All political parties and candidates shall not hold public meetings or take out processions during the period of forty eight hours ending with the hour fixed for the conclusion of poll.

3.2 All political parties and candidates shall not set up their camps within a distance of 100 meters from the polling stations. Even where more than one polling stations have been set up in the same premises, there shall be only one such camp of a candidate for such group of polling stations beyond a distance of hundred meters from such premises.

3.3 All political parties and candidates shall co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction.

3.4 All political parties and candidates shall agree that the identity slips supplied by them to voters shall be on plain white papers and shall not contain any symbol, name of the candidate or the name of the party.

3.5 All political parties and candidates shall refrain from serving or distributing liquor on polling day and during the period of twenty four hours preceding it.

4. GOVERNMENT MACHINERY :

4.1. No public servant should organise, address, finance or take active part in any election meeting. This, however, does not preclude the discharge of official duties by those charged with the maintenance of public order and management of traffic.

4.2. No vehicles belonging to Govt. or public undertakings or co-operative societies or any other institutions receiving Government Grants shall be provided to the Chief Minister/ Minister / Minister of State/Chief Parliamentary Secretary / Parliamentary Secretary/ Chairman / Vice Chairman of Corporations and Boards / Member of Parliament / Member of Legislative Assembly / Mayor / Deputy Mayor/Councillors of the Corporation or a candidate for canvassing in election in any manner from the date on which the election programme is published.

4.3. A public servant shall remain absolutely impartial during the elections and shall not indulge in any election campaign, activity or work for or against any contesting candidate or party. He shall not accompany the dignitaries mentioned in the clause 4.2 ante in any programme, organised at an individual's house, which such a dignitary may attend during his election tour.

5. PARTY IN POWER :

5.1 If the Chief Minister/Minister/Minister of State/ Chief Parliamentary Secretary/Parliamentary Secretary/Chairman/Vice Chairman of Corporations and Boards/Member of Parliament/Member of Legislative Assembly of the State/Mayor/Deputy Mayor/Councillors of the Corporation undertakes a tour of any area of the Corporation, such tour shall be deemed to be an election tour and no Govt. servant except those who are deployed for security, law and order and traffic management shall accompany them. No Govt. vehicle or any other facility shall be made available for such tour.

5.2 Use of rest houses, circuit houses and other Government accommodation should be permitted to all the candidates and parties on the same terms and conditions on which it is permissible for the party in power. These should normally be permitted to be used for short period and on first-come-first-serve basis without allowing any one to monopolise the facility. However, no party or candidate should be allowed to use such accommodation (including premises appertaining thereto) as a campaign office or for holding any public meeting for the purposes of election propaganda.

5.3. Public places such as maidans, parks etc. for holding election meetings shall not be monopolised by the party in power. Other parties and candidates shall be allowed the use of such places on the same terms and conditions on which they are used by the party in power.

5.4 The Chief Minister/Minister/Minister of State/Chief Parliamentary Secretary/Parliamentary Secretary/Chairman/Vice Chairman of Corporations and Boards/Member of Parliament/Member of Legislative Assembly of the State/Mayor/Deputy Mayor/Councillors of the Corporation shall not combine his official visit with electioneering work and shall not make use of official machinery and personnel or other Government resources including Government vehicles for election purposes.

5.5 Issue of advertisements at the cost of public exchequer in the news papers and other media and the misuse of official mass media during the election period for partisan coverage of political new

and publicity regarding achievements with a view to furthering the prospects of the Party in Power shall be scrupulously avoided.

5.6 Within the territorial jurisdiction of the Corporation, the State Govt/Chief Minister/ Minister/ Minister of State/ Chief Parliamentary Secretary/Parliament Secretary/ Member of Parliament/ Legislative Assembly/Chairman/Vice Chairman of Corporations and Boards/Mayor/Deputy Mayor/Councillors of the Corporation and other authorities :—

- (a) shall not sanction or announce or provide any financial grants in Corporation area ;
- (b) shall not sanction or announce or promise any new schemes ;
- (c) shall not lay foundation stones etc. of projects or schemes of any kind ;
- (d) shall not make any promise of construction of roads, provision of drinking water supply schemes or other such public facilities etc. ;
- (e) shall not make any appointment of any nature including *ad hoc*, contract, daily wages etc. ;
- (f) shall not select new beneficiaries for assistance from public funds ;
- (g) shall not promote or transfer Govt. servants.

5.7 The Chief Minister/Minister / Minister of State/ Chief Parliamentary Secretary/ Parliamentary Secretary/Chairman/Vice Chairman of Corporation and Boards/Member of Parliament/Member of Legislative Assembly/Mayor/Deputy Mayor/Councillors of the Corporation shall not enter any polling station except in their capacity as a voter intending to cast vote. Such dignitaries shall not enter the place of counting.

By order,

RAJENDAR BHATTACHARYA,
State Election Commissioner.

